REMARKS

Claims 1-9 are pending in this application. Claims 1, 5, 6 and 7 are amended, claims 10-13 are added, and claims 3, 4, 8, and 9 are cancelled, without prejudice or disclaimer, herein. Claims 1, 5, 6, 7 and 10 are independent.

Claim 5 stands objected to on informality grounds. Claim 5 is amended to address the Examiner's noted concerns.

Claims 8-9 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject manner. Claims 8 and 9 are cancelled without prejudice or disclaimer, and accordingly the rejection is moot.

Claim 1 is amended to eliminate means-plus-function recitals, eliminate unnecessary limitations, and make certain editorial modifications. Claim 1 is also amended to incorporate a feature similar to that previously recited in dependent claim 4, which is accordingly cancelled herein. In this regard, claim 1 as amended requires a determination of the winning players of the card game that will be provided benefits of the card game so as to include a combination of the determined highest ranking player and a player other than the highest ranking player determined by lottery.

Claim 5 is additionally amended to eliminate unnecessary limitations, for clarification, and to require the winning players that will receive the benefits of the card game be determined so as to include a highest ranking player according to a result of the game and another randomly selected player.

Claim 6 is amended to require benefits of the game be directed to a highest ranking player of the game based on a result of the game and to another player of the game based on a lottery result.

Claim 7 is amended to eliminate means-plus-function recitals and unnecessary limitations, for further clarification, to make certain editorial corrections, and to require that winning players of the game be determined so as to include a highest ranking player based on the determined ranking and another player based on a lottery result.

Claims 1-3, 5-9 stand rejected under 35 U.S.C. § 102(e) as anticipated by Pascal, et al. (6,287,202) or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Pascal, et al. in view of Guinn, et al. (6,039,648) or <u>Encyclopedia of Games</u>, by

John Scarne. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being obvious over
Pascal, et al. or over Pascal, et al. in view of either Guinn, et al. or Scarne and further in
view of Huard, et al. (5,743,800) or Place, et al. (5,707,285). Claims 3, 4, 8 and 9 are
cancelled, and accordingly the rejection is moot with respect to these claims. The
following addresses the rejection of the other claims, as now amended.

In the rejection of claim 4 (now cancelled), the Official Action acknowledges that
the other applied art lacks any teaching or suggestion of a determination of winning
players of a game by lottery, but relies on Huard or Place as making this feature
obvious.

As noted above, as amended, independent claim 1 requires a determination of
the winning players of the card game that will be provided benefits of the card game so
as to include a combination of the determined highest ranking player and a player other
than the highest ranking player determined by lottery. Independent claim 5 requires the
winning players that will receive the benefits of the card game be determined so as to
include a highest ranking player according to a result of the game and another randomly
selected player. Independent claim 6 requires benefits of the game be directed to a
highest ranking player of the game based on a result of the game and to another player
of the game based on a lottery result. Finally, independent claim 7 requires that winning
players of the game be determined so as to include a highest ranking player based on
the determined ranking and another player based on a lottery result.

It is respectfully submitted that Place (see, for example, column 5, lines 58-59)
randomly selects a jackpot, not a player. While it is acknowledged that Huard discloses
the random selection of a player after the end of the principal game, the similarity
between the disclosure in Huard and the aforementioned limitations ends there.

In Huard, the player is randomly selected for participation in an auxiliary game.
Hence, in Huard there is nothing to suggest that the system will direct a game benefit to
the randomly selected player. Rather, if the selected player is to benefit at all, he/she
must participate in another game (i.e. the auxiliary game) and may receive, on the basis
of the result of the auxiliary game, a benefit of the auxiliary game.

In contrast, each of the independent claims 1, 5, 6 and 7 requires the randomly

selected or determined player of the game be a beneficiary of a benefit (e.g. disbursement) of that game, and not some other game (e.g. a auxiliary game) as taught by Huard.

Furthermore, each of independent claims 1, 5, 6 and 7 requires the randomly selected or determined player be a player other than the determined highest ranking player. Huard (see column 3, lines 13-25), on the other hand, explicitly teaches that the randomly selected player is selected from all the players of the principal game, and hence could also be the highest ranking player (i.e. the winner) of the principal game.

New claims 10-13 recite the invention in a somewhat different manner. In particular, independent claim 10 requires that a gaming system include a processor capable of executing stored logic to (i) determine a ranking of each of the plurality of players from a highest ranking player to a lowest ranking player based on a result of the play of the game, (ii) randomly select one of the plurality of players, and (iii) to direct benefits of the game to both the determined highest ranking player and to the randomly selected player. Accordingly, claim 10 distinguishes over the applied prior art for reasons that are believe to be clear from the above discussion.

If is further respectfully submitted that other features recited in the dependent claims further distinguish over the applied prior art. For example:

Claim 11 requires that the processor is further configured to randomly select the one player from the plurality of players other than the determined highest ranking player. Huard (see column 3, lines 13-25), on the other hand, explicitly teaches that the randomly selected player is selected from all the players of the principal game, including the highest ranking player (i.e. the winner) of the principal game.

Claim 12 requires that the processor is further configured to determine a total disbursement amount based on amounts bet by the plurality of players in connection with the playing of the game, and to determine a first disbursement amount and a second disbursement amount based on the determined total disbursement amount. Furthermore, it is required that the benefit of the game directed to the determined highest ranking player is the first disbursement amount, and the benefit of the game directed to the randomly selected player is the second disbursement amount. Huard

(see column 6, lines 25-29) determines the disbursement amount for the auxiliary game randomly.

Claim 13 requires that the first disbursement amount be greater than the second disbursement amount. As understood, Huard lacks any such teaching or suggestion.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (File No. 1227.42918X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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